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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

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18 UNITED STATES OF AMERICA,) No. CR 08-00840 JW
19 Plaintiff,) STIPULATION AND [PROPOSED] *Jan. 26*
20 v.) ORDER RESCHEDULING THE
21 ROBERT RANSOM LILLY,) FEBRUARY 23, 2009 STATUS HEARING
22 Defendant.) AND EXCLUDING TIME

23 The parties are currently scheduled to appear before this Court on February 23, 2009 at 1:30
24 p.m. for a status hearing. The government and defendant are continuing plea discussions and
25 request additional time to finalize these discussions, to March 23, 2009 at 1:30 p.m. The parties
26 anticipate that the defendant will change his plea at that time. Therefore, in the interests of
27 judicial economy, the government and defense request a continuance of the February 23, 2009
28 hearing to March 23, 2009 at 1:30 p.m. and an exclusion of time under the Speedy Trial Act.

29 The parties stipulate that the time between February 23, 2009 and the new hearing date is
30 excluded under the Speedy Trial Act, 18 U.S.C. § 3161, and agree that the failure to grant the
31 requested continuance would unreasonably deny the defendant reasonable time necessary for
32 effective preparation. The parties further agree that the ends of justice served by granting the

1 requested continuance outweigh the best interests of the public and the defendant in a speedy trial
2 and in the prompt disposition of criminal cases. 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

4 DATED: February 19, 2009

JOSEPH P. RUSSONIELLO
United States Attorney

6 /S/
7 GRANT P. FONDO _____
8 Assistant United States Attorney

9 /S/
10 THOMAS J. NOLAN _____
11 Attorney for defendant

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ORDER

Based upon the representation of counsel and for good cause shown, the Court finds that it is in the interest of judicial economy that the February 23, 2009 status hearing in the above-entitled matter be rescheduled to March 23, 2009 at 1:30 p.m., and that failing to exclude the time between February 23, 2009 and March 23, 2009 would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The Court further finds that the ends of justice served by excluding the time between February 23, 2009 and March 23, 2009 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that the February 23, 2009 status hearing in the above-entitled matter be rescheduled to March 23, 2009 at 1:30 p.m. and that the time between February 23, 2009 and March 23, 2009 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

DATED: February 19, 2009

JAMES WARE
UNITED STATES DISTRICT JUDGE